

Questions & Answers Related to Iowa Gift Law

The following series should answer most common questions but is not intended to be exhaustive. If in doubt in any circumstance, remember that: (1) The Gift Law relates to nonmonetary items. (2) The law is intended to be restrictive and it prohibits the appearance of impropriety. (3) The safest course is the most conservative.

Can the prohibition against receiving gifts apply to me if I make no decisions and no one would listen to me if I did express an opinion?

Yes. It applies to you because you are a “public employee.” Your position, job title and salary level is not important. In fact, if you are simply an unpaid member of a Board or Commission, the law would cover you because your membership on the board or commission makes you a “public official.”

Who can't I take gifts from?

A “restricted donor.” While the category may be broader for employees with broader discretionary authority, for most employees, it is basically any company or person who is or wants to do business – such as buying or selling products or services – with the City.

The engineering firms we deal with bring the office a tin of nuts or poinsettia every Christmas. Can we accept that?

Yes. Assuming the nuts or food and poinsettia are for the office to share, the value would be below the \$3 per person daily maximum.

The XYZ Company does not give gifts but they invite me to their Christmas party. Can my wife and I attend?

No, not as XYZ Company's guests. A party normally would include food and beverages costing more than \$3. The \$3 “food and drink” limit pertains to any social event.

Well, my wife and I really want to go. How about I give them a check for my portion of the cost?

Assuming you are paying the actual true per person cost over \$3, you could give them a check. However, you must also pay for your wife. The prohibition includes gifts and services to your wife and immediate family members.

My wife works at the XYZ Company. You mean she has to pay?

If the party is really for employees of XYZ Company and you are invited only because your wife is an employee of XYZ Company, the event would be outside of the scope of the Gift Law since you did not get the invitation, your wife did and she – not the company – decided you would be attending, so you would not have to pay for either of you. However, if your wife is an “employee” of XYZ Company in name only and provides no services and employment is really a way to give you – the public employee – money, that situation would go beyond the Gift Law into more serious crimes.

Does this law provide an excuse for my brother-in-law to leave me off his Christmas list? No. The law provides no obstacle to your brother-in-law giving you a gift. The law exempts gifts from those within the

4th degree of kinship. However, you cannot accept a gift from your brother-in-law or even your sister if they are really just acting as the intermediary for a company or someone who would be a restricted donor.

I have been invited to attend the Annual Meeting of the ZZ Industry Conference. They have offered to pay all my expenses including travel, room, meals, and registration for a 5-day conference so I can attend. The conference will be on a topic related to my job for the City, so it would not be a gift to me but to the City. Is there any problem with me accepting?

Yes, there is a problem. The Gift Law allows you to accept only “actual expenses for food, beverages, registration, travel and lodging for a meeting, which is given in return for participation in a panel or speaking engagement at the meeting when the expenses relate directly to the day or days on which you have participation or presentation responsibilities.” However, you would be free to accept written, audio, or video materials from the Conference or from the ZZ Industry related to your job.

I won a drawing for a new big screen TV at the annual conference for my professional organization. The City pays for my membership and conference dues, can I keep the gift?

If the prize was vendor related or donated by a vendor you must give your prize to the City and are not allowed to keep it for yourself. This is especially true if you put your name in for a drawing at a vendor’s booth during the conference. However, if you pay for your membership and conference dues for the professional organization you are allowed to keep the prize.

Can I accept the plaque for “Excellence in Public Service” given by a neighborhood group?

Yes. Plaques or items of negligible resale value which are given in recognition for public services can be accepted.

The ABC Reporting Service did not know about the Gift Law and gave me a nice pen set which had my initials engraved on it. They cannot return it and it would have no value since my initials are on it. What do I do?

You cannot keep the pen set. You should apprise the giver of the prohibition of the Gift Law (it is a violation both to give and to receive). Although the Gift Law gives you a grace period of 30 days in which to turn over the gift to the City (for the City to dispose of), the wisest course would be for you to immediately turn it over to the Human Resources Department with a written memo explaining what it is you are turning over and why, giving a copy of the memo to the donor.

What if I die. Does my spouse have to send back flowers and memorial contributions to the church?

No. The Gift Law provides exception for funeral flowers and memorial contributions.

I have genuine friends in companies that do business with the City. I lost my spouse three years ago and they proved the best friends I had. Do I have to return the wedding gift they gave me when I remarried last month?

No. The Gift Law allows you to accept wedding gifts, 25th and 50th wedding anniversary gifts. However, you cannot solicit any gifts.

Can I accept special offers or deals advertised for public employees?

No. A City employee cannot accept something being offered to them due to their public employment and not normally offered to the general public. An example of this would be if as a public employee you are offered tickets to a sporting event, you are not allowed to accept those tickets under the Gift Law since that same offer hasn't been extended to the general public.

What are the penalties for violating the Gift Law?

An employee can be found guilty of a serious misdemeanor and may be reprimanded, suspended, or dismissed from their position or otherwise sanctioned.